

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jeffry Golden

Application No. 10/750,048

Filed: 12/31/2003

For: Method and Apparatus for Photosensitized
Ultraviolet Decontamination and Disinfection
Of Surfaces and Aerosol Clouds

Attorney Docket No.: 42173-018



) Group Art Unit: 1744

) Examiner: CHIN, Brad Y.

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October 19, 2005

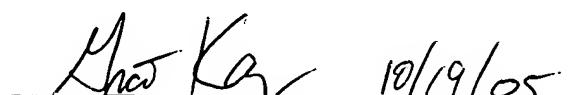
MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON TERMINAL DISCLAIMER

Dear Sir:

Several years ago, a third party made a claim of ownership to the technology of co-pending Application No. 10/750,047 through an employment relationship with one of the inventors. As of this date, this claim of ownership remains unresolved. The third party has not pursued this claim or initiated contact regarding the claim for over 18 months. At this time, Clean Earth Technologies, LLC does have 100% ownership of the invention according to assignment document currently recorded at Reel/Frame 010570/0317 with the United States Patent and Trademark Office.

Respectfully submitted,



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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION		Docket Number (Optional) 42173-018
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Application No.: 10/750,048

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For: Method and Apparatus for Photosensitized Ultraviolet Decontamination and Disinfection of Surfaces and Aerosol Clouds

The owner*, Clean Earth Technologies, LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/750,047, filed on 12/31/2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, if found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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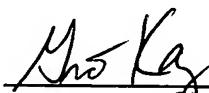
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

10/21/2005 HLE333 00000100 083460 10750048

01 FC:1814 130.00 DA


Signature 10/19/05
Date

Grant D. Kang, 37,651
Typed or printed name

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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